

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-353-W/S - ORDER NO. 2005-294
JUNE 7, 2005

IN RE:	Application of Lake Wylie Community)	ORDER EXTENDING
	Utilities, Inc. for Adjustments of Rates and)	ISSUANCE DATE OF
	Charges for Water and Sewer Services)	MERITS ORDER

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of an extra five (5) days to issue the Order in this water and sewer rate case docket involving Lake Wylie Community Utilities, Inc. (Lake Wylie or the Company). S.C. Code Ann. Section 58-5-240 (C) (Supp. 2004) requires this Commission to rule and issue its order approving or disapproving any rate changes in full or in part within six months after a rate change request is filed. S.C. Code Ann. Section 58-5-240 (D) (Supp. 2004), however, states that should the Commission determine that it cannot, due to circumstances reasonably beyond its control, issue such order within the six-month period prescribed by this section, the Commission may, by order, extend the six-month period for an additional five days. In the present case, we believe that such circumstances exist, and we hereby order an extension of the issuance date of the merits order in this case from June 7, 2005, to June 13, 2005.¹

¹ Although the date would ordinarily only be extended to June 12, 2005 under the statute's five-day provision, the fifth day falls on a Sunday. Under 26 S.C. Code Ann. Regs. 103-842, the last day of a required time period for a "pleading" shall be included for counting, unless that day is a Saturday, Sunday, or legal holiday. We hold that the same calculation is applicable to the calculation of time for the five day extension for order issuance under S.C. Code Ann. Section 58-5-240 (D) (Supp. 2004) as well.

The “circumstances reasonably beyond our control” are clear in this matter. We were not able to vote on the merits of the case until June 2, 2005. The merits Order is presently due for issuance on June 7, 2005. Thus, the June 7, 2005 issuance date does not give the Commission or the Staff sufficient time to prepare and review the merits order regarding this Docket, especially since the Commissioners will be attending a meeting of the Southeastern Association of Regulatory Utility Commissioners during the week of June 6, 2005. The additional days allow for proper preparation and a full review of all aspects of the merits order in this complex water and sewer case. Accordingly, we make the following

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The matter under consideration is an additional five (5) days to issue the merits order in this Docket as allowed by S.C. Code Ann. Section 58-5-240(D) (Supp. 2004).
2. The actual extension would be from June 7, 2005 to June 13, 2005, due to the fact that the fifth day of the extension falls on a Sunday.
3. There are clearly “circumstances beyond our control” existing in this instance that warrant the extension for issuance of the merits order in this Docket.
4. This Commission was not able to vote on the merits of this case until June 2, 2005. The merits order is due to be issued on June 7, 2005. Under the present schedule, there is insufficient time for preparation of the Order and proper review of the Order by Staff and Commissioners.

Accordingly, the date for order issuance in this case shall be extended to Monday, June 13, 2005, instead of Sunday, June 12, 2005.

5. The time for issuance of the merits order in this case should be extended to June 13, 2005.

ORDER

It is therefore ordered that the time for issuance of the merits order in this Docket shall be extended to June 13, 2005. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)